

MR. PHELANS ADDRESS.

UPON GENERAL FORT'S COURSE UPON THE COMPROMISE.

ARDEEN, MISS., Sept. 23d, 1851.

James Phelan, Esq.:

Sir: Believing that your criticism of Gen. Henry S. Foote's course upon the Compromise measures, as presented in your public addresses, to be a just exposure of the desertion of the South, and that the information it contains is demanded by the people, we respectfully request you to prepare it for publication.

Yours &c.

R. M. GUNN,
J. R. RASBERRY,
J. N. HOLLIDAY,
D. G. CARTER,
J. W. SPEIGHT,
K. CLARKE,
A. G. PREWETT.

ARDEEN, MISS., Sept. 26th, 1851.

Gentlemen:—I have hastily prepared, and send you, in the form of an ADDRESS, the criticism you solicit.

Very respectfully,

JAMES PHELAN.

TO THE PEOPLE OF MISSISSIPPI.

FELLOW-CITIZENS:—The election for members to our State Convention, after an earnest contest, has resulted in the utter defeat of the State Rights party. Organized upon the ground of avowed resistance to the mis-called "Compromise" measures, a triumph of the opponents, manifested on the part of the people, a demonstration of their enmity to the measures, and a proof that the time had arrived, when submission to Northern insult and aggression, could no longer be endured, consistently with our honor and safety, the State Rights party, were making those measures, the battle-ground, upon which to marshal the South, in stern defence of its rights and institutions. Whilst agreeing with us in the startling truth, that under the fierce assaults of a fell spirit of fanatic encroachment, every outpost has been steadily abandoned to our enemies, and that the citadel of Southern rights, amidst unrelenting and remorseless aggression, is being assailed, that "long years of outrage, calumny and wrong" have, at length, driven the South to an extremity of peril, which threatens the dismemberment of the Confederacy, and a civil war, a majority of our people have decided, that a link is yet wanting to perfect the oppressor's chain, ere it should be rendered, and expressed a determination calmly to await the uplifted stroke, which cutting through the last page of the Constitution, threatens to fall upon our altars and our hearthstones. To this expression of the popular voice, we submit. The question, whether or not, the seceding States, should be considered, as having the right to devise instant and efficient means, to vindicate our rights and honor, and provide for our future safety, was one upon which men might sincerely differ, whilst agreeing, in the main, as to the existence of those evils, to remedy or arrest which, such action was designed. The matter of a State Convention—its powers—its purposes—probably results &c., have been decided, and, in the language of Junius, "a question once settled, is no longer open for argument."

As the State Rights party, in the past contest, though unsuccessful, have elevated the national character of our State, and will increase and command the secret respect of our bitterest foes. The Northern aggressor, has watched our fate, with the deepest interest, in the ordeal through which we have just passed; and, though gratified and encouraged by our defeat, it has manifested that yet survives, unextinguished amongst us, a spirit of indignation and resistance, which will yet enable the South to gather the spoils of victory, from under the ruins of defeat, and to end its career, as a State, on a more glorious and honorable basis, than it commenced. In our long suffering and unrelenting, because of our devotedness to duty, you have expressed a reluctant willingness to acquiesce in the Compromise measures, by defeating a Convention, designed to oppose them; but, in so doing, have assumed a position of dignified and indignant resistance to the wrongs there perpetrated upon us, which will warn the aggressor to beware. Can you now be so blind to your interests—so regardless of your rights and honor—so profoundly lost to all sense of duty and honor, as to permit your State, to be thus degraded, and to those shameless measures, in the election of Henry S. Foote, their avowed advocate and defender, as Governor of our State, against the gallant Davis—the pride and boast of Mississippi—our distinguished Senator, who "faithful still, amid the faithful fold," has stood "unsundered, untried," the unwearied sentinel upon the "lone watch-tower" of our rights—whose tall, white plume, amid the carnage of the battle-field, has ever led in the path of danger and glory, where "tell the deeds of battle, the thunders of war, whose home, under the stars and stripes, of our noble State, amid the lowly, rain-bow banner, which streamed behind the "Stars and Stripes" of our common country, above the battle-plaughed field of Buena Vista—and whose stern voice, in defence of Southern Rights, in the Federal Councils, will be cherished in the hearts of our people, long after their echo in the National Capitol, shall have died away. This defeat would awaken a thrill of fiendish joy and gladness, throughout the North, such as frenzied fanaticism alone can feel, in the triumph of its dark designs. They long to see the banner of the Union, which has borne, under the stars and stripes, the banner of their crusade. They pant with eagerness, to behold him, bound a victim upon the altar of popular rebuke, by the hands of brothers, for whom he has perished his all. Our gallant Davis has stood, and now stands before them, like the threatening angel in the prophet's path, and flashes his blade in the face of the advancing foe. Strike him down, and you glut the remorseless malignity of Northern fanaticism and aggression. And for whom is he to be thus branded with the mark of a traitor, and our noble State, and our common country, to be thus degraded, and our honor, and our safety, and our future, to be thus sacrificed to the passions of a few fanatics, and whose course upon the memorable Compromise measures, I now propose to discuss.

I charge him with having said and done, more than any one else to accuse the people to resistance, by warning them of the imminent dangers which threatened the South, and recommending prompt preparation for the defence of our honor and our rights.

I charge him with having denounced the whole of the Compromise measures, as outrageous upon the South, which demanded the sternest resistance.

I charge him with having abandoned all his former positions—trifled with the best interests of the South, and his own convictions of duty—by having thrown himself into the arms of the Northern abolitionists, seeking by the gutter of a "national reputation," and with having sacrificed to his selfish aims, the vital interests of his State.

I charge him with having then voted against the South, and with the North, almost alone, upon the most important test question, connected with those measures.

I charge him with having shaken from his post in the Senate, and declined to vote, upon occasions of the most thrilling moment, when the welfare and repose of the South, were suspended on his single voice.

I charge him with having occasioned the present unhappy divisions amongst us, by which our weakness and divisions, have been manifested to our enemies, by merging the great issues between the North and the South, made up by himself, in a violent effort to sustain his own personal popularity.

I charge him, in this endeavor to sustain himself, and to overthrow his opponents, with having resorted to the grossest perversion of truth, and the most palpable misrepresentation of record history, both with regard to his own acts and the acts of others.

In conclusion, I charge him, in the name of the whole South, with having defended the great right of a State to secede from the Union, as the only remedy against oppression, in the last resort—and, with having threatened the Northern aggressor, with his exercise—and with having then laid the South prostrate at the mercy of Federal power, by basely abandoning, that great safeguard against its tyranny, and by denouncing those who assert the doctrine, as traitors to their government and their God.

For the truth of these charges, let facts and authority be submitted to a thinking people. I propose no elaboration of the argument to enforce them, which this suggests.

In order to a proper appreciation of the subject, I shall retrospect the history of our Federal legislation, for several years, preceding that during which the Compromise was adopted.

From the formation of our Constitution to the present hour, a struggle for political power in the Federal Congress, has been waged between the two sections of the confederacy, as connected with the acquisition of foreign territory. At the time of our Mexican acquisitions, the Northern section, and the Southern section, the popular branch, in the Senate, where each State is entitled to two, regardless of population, it was a tie. Six new States, however, were soon to be formed out of territory then under the government, all of which being free States, would shortly give the North, a corresponding majority in the Senate. Had no new Territory been added to the Union, the North would at last, have obtained, after a contest of three fourths of a century, the great object of all its efforts, the absolute control of the Federal Government. During the Mexican war, however, it became evident that in any treaty that should be formed with that power, a large accession of territory, would be acquired by the United States. To exclude slavery from this Territory, and consequently, to prevent its admission into the Union, as Southern States, whereby the influence of the free States, yet to be admitted, would be counteracted, the North had determined with the sternness of its characteristic obstinacy. The circumstances which mark the triumph of its policy, are the basis of the present agitation of the country.

The first step towards the accomplishment of this object, was the Proviso, offered by Mr. WILSON, to the Mexican bill in 1846. This Proviso excluded slavery from any territory, that should afterwards be acquired from Mexico. It passed the House, and was lost in the Senate, for want of time. At the next session, 1846-7, a similar bill was introduced in the House, the Proviso annexed, and passed. In the Senate, it was defeated—the whole body of the North sustaining the Proviso. It was returned to the House, and the Proviso again annexed. That particular bill was lost. At this session, a bill to give Oregon a Territorial Government, containing the Proviso, was lost for want of time. Then came the Treaty, upon which the Proviso was sought to be engrained.

These attempts to exclude the South from all participation in the acquired territory, with the view to strengthen the already dominant political power of the North, aroused the entire South, and every Southern State, denounced the effort, as an outrage, which if successful, would dissolve the Union.

At the next session, 1847-8, was appointed the special committee in the Senate, to which was referred the Proviso, providing governments for the territories. The committee reported what is known as the "Clayton Compromise," by which the question of the existence or introduction of slavery into the new territory, was so arranged, as to be left to the decision of the Supreme Court of the United States.

Here first arose the discussion of the great question, whether or not, the Mexican laws, abolishing slavery, were repealed by the Treaty, without further legislation. This bill was defeated in the House. A bill, giving a government to Oregon, as a separate measure, containing the Proviso, passed the House.

The Proviso was then introduced in the Senate, and was defeated. The Missouri Compromise—the entire North voting against it. On its return to the House, the Missouri Compromise was stricken out, and the Proviso again attached. It was this again returned to the Senate, which receded from its amendment, by a strictly sectional vote, and the Oregon bill passed, containing the Proviso! This was a com-

plete triumph on the part of the North, acknowledged by all parties. Slavery, it was admitted, never would have existed in Oregon, even if permitted, and the passage of the Proviso, prevented it, was designed, by the North, simply to assert the power of Congress to exclude it from Territories. I view of the legislation yet necessary, with reference to the Mexican acquisitions.

At the next session, 1848-9, a bill, giving California a Territorial Government, containing the Proviso, passed the House. A substitute was offered for it, providing a government by which it might be admitted as a State, to which the Proviso was attached. This substitute was afterwards defeated, and the bill passed as before stated. This was a short session, and the bill was not acted on in the Senate. At this session, that an attempt was made, to provide some form of government for the Territories, by simply extending over them, the Constitution and Laws of the United States. This was proposed in an amendment to the Appropriation Bill. It passed the Senate, against the body of the North. In the House a substitute was offered, for this amendment, recognizing the validity of the Mexican laws, excluding the South, and declaring them still in force in the Territories. This was adopted, and the bill was returned to the Senate, where the Senate found its own order and confusion, which Senators declared had discredited that body, and which had well nigh resulted in arresting if not dissolving the government. This amendment, which, at once, effectually excluded the South from all share in the new territory, was annexed to the Appropriation Bill, without the passage of which, the Government must come to an end. It was the third of March, and that Congress expired, at 12 o'clock that night, when the seats of many Senators would be vacant. To save the government from interruption, and the South from revolution, the whole of the legislation upon that subject, as Mr. Foote declared was unconstitutional, having been transacted after that hour! The amendment of the House, affirming the validity of the Mexican laws, was finally lost at three o'clock on the morning of the 4th, by the Senate's receding from its amendment, extending the Constitution and Laws over the country. It was denied, that even that defeated it. The amendment of the House, was not an amendment to the amendment of the Senate, but a substitute for it. The receding of the Senate from its own amendment, all laws, and therefore, carry with it, not an addition to it. Amid the excitement and disorder, which marked the night of that hour, however, it was agreed, whether right or wrong, so to regard it, and the matter closed. That fatal measure to the South, hung on such a thread!

I have thus detailed the progress of this amendment, to show the sentiment and determination of the North at the close of the session, immediately preceding that during which the Compromise measures—the great subject of discussion—were enacted. Territories had now been left two years without governments, in consequence of the obstinate determination of the North to insist upon the Proviso; during which time the agitation had continued to increase, until at the close of the session of 1848-9, it had become threatening and fearful.

What would have been the spirit and action of the North, at the next session, upon a renewal of the contest? Can any one doubt it? To insist upon that Proviso, or its equivalent, they were resolved, though it dissolved the Union. It, however, a scheme can be devised, by which all its evil advantages would be secured, saving the mere name, the North would consent to its relinquishment. Such a scheme was devised, and its execution commenced, under the auspices of the Federal Government, then controlled by Northern influences. The mixed and outcast rabble, then in California, were invited to assemble, as a people, in Convention, to form a Constitution, abolishing slavery, and then to ask admission into the Union as a State. That Convention was held, and that Constitution was formed, in a place, where all law, constitution and usage, were entirely disregarded, which rendered the rights and feelings of the South, in a manner needless to detail. The memorable session of 1849-0, convened. Previous to its assembling, it was known that such a Convention had assembled, and such a Constitution been formed, under the coercion and invitation of the Federal Government. On the 7th, of January, (Con. G. 1849-50, p. 110.) Mr. CLEMENS, offered a resolution, calling upon the President, for information, with regard to the alleged action of the administration in relation to the Convention and Constitution, and the rights of the States, which rendered the rights and feelings of the South, in a manner needless to detail. The memorable session of 1849-0, convened. Previous to its assembling, it was known that such a Convention had assembled, and such a Constitution been formed, under the coercion and invitation of the Federal Government. On the 7th, of January, (Con. G. 1849-50, p. 110.) 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